

October 15, 2002

EPA, Office of Solid Waste (5302W)  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Re: EPA ICR No.0976.10, OMB Control No. 2050-0024  
August 13, 2002 Federal Register  
The 2003 Hazardous Waste (Biennial) Report

Dear Sir/Madam:

The New Hampshire Department of Environmental Services (NHDES) appreciates the opportunity to comment on the August 13, 2002 Federal Register (FR) concerning the proposed collection of data for the 2003 Hazardous Waste (Biennial) Report (BR). The purpose of this letter is to question the utility and the effort required to report the source codes in the 2003 Hazardous Waste Biennial Report. The source codes describe the type of process or activity (i.e., source) from which a hazardous waste was generated.

When the NHDES imposes a reporting requirement, we ask ourselves how the information will be used by the department. If there isn't a good reason for doing so, we are hesitant to institute the requirement. In its current form, the source code does not have practical usefulness to the State of New Hampshire (NH); therefore, we simply collect the code to meet our BR requirement. NHDES suggests two options to address this concern. First, the source codes could be a voluntary field. This would allow states to use it if they see fit, or omit it if there is no purpose. Alternatively, if the source codes were added to the uniform hazardous waste manifest, as suggested by Win/Informed, NH might be more likely to make use of the information at some point in the future.

Similar to several other states, New Hampshire does not use the federal BR data collection forms; instead, we collect the required information through our hazardous waste manifests, Hazardous Waste Activity Notification Forms and our Hazardous Waste Quarterly Activity Reports. This system almost eliminates the burden on the generators for fulfilling their Biennial Report requirement and has been very well received by the regulated community. We believe this system leads to a higher quality of data since the data submitted to our department is verified by the generator on a quarterly basis. Additionally, we feel the quality of the data is further enhanced because it is tied to real world events (the manifests) and fees. The fees, which are based on the manifest data, help us to ensure that the generators take the time to properly review the data, because if they don't, they may be paying more fees than they are required.

This attention to accurate data causes us to question the quality of the source code data where each state can report the source codes on the GM forms in one of three ways: 1) Waste Generating Process Level, 2) Manifest Shipment Level, and 3) the Cumulative Waste Code Level. In particular, reporting at the Cumulative Waste Code Level could result in data that does not fully represent the actual source of a waste as different sources can be merged into one waste code. Additionally, this would make it more difficult to compare source code data across states.

We feel that reporting the source code in the BR is a significant burden to the State of New Hampshire, New Hampshire generators and to the EPA Region 1 staff. Because the source code was not part of our State's BR process before the 2001 cycle, we spent a significant amount of time working with EPA Region 1 and the regulated community to collect the source code. Because of this past effort, we estimate our burden to collect the source code will decrease in the 2003 BR cycle, however, we still feel that the code is a sufficient enough burden to us that we would like it to be optional.

Finally, if the source codes continue to be a required data element in the 2003 BR, then New Hampshire would like to know how the EPA intends on using the source codes. Having specific guidance will be valuable in convincing us of the need and importance in collecting the source codes. We would share this information with the regulated community, in justifying their submittal of the information.

We trust that you will review and consider our request to make the source code an optional field in the 2003 BRS. If you should have any questions concerning our comments, you can contact Ray Gordon at (603) 271-6350 or [rgordon@des.state.nh.us](mailto:rgordon@des.state.nh.us).

Sincerely,

Kenneth W. Marschner, Administrator  
Waste Management Programs  
Waste Management Division

cc: Ray Gordon, Supervisor, Reporting & Information Management Section